

SEP 29 2011

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Public Record



Administration

September 28, 2011

Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423-0001

STB FEE WAIVER

SEP 29 2011

Re: STB Docket No. AB-6 (Sub-No. 475X); Burlington Northern Santa Fe Railway Abandonment Exemption in Boulder County, CO

Dear Secretary,

This request is filed on behalf of the City of Lafayette, which is a municipality interested in transportation and recreation, hereinafter referred to as "proponent".

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between milepost 20.80 and 22.17, in Sections 1, 2, and 12 in Range 69 E, Township 1 S.

A. Request for Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is that the corridor would provide an excellent recreational trail and trail connections. In addition, conversion of the property is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to complete trail plan and begin negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 from the effective date of the abandonment authorization for the same reasons as indicated above.



Administration

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C § 1247(d), and 49 CFR §1152.29, the City of Lafayette is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all applicable taxes that may be levied or assessed against the right-of-way. Pursuant to Colorado Revised Statutes, the City of Lafayette will provide liability insurance coverage for trail use along this section of railway.

The property extends from 200 feet south of railroad milepost 21 (milepost 20.78) near South Boulder Road to railroad milepost 22.17 north of Baseline Road/Colorado Highway 7, a distance of approximately 1.2 miles in Boulder County, Colorado. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-6 (Sub-No. 475X).

A map depicting the right-of-way is enclosed.

The City of Lafayette acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Burlington Northern Santa Fe Railway, 2500 Lou Menk Drive, 3rd Floor, Fort Worth, Texas 76131-2828, by US Mail postage pre-paid, first class, this 20th day of September, 2011.

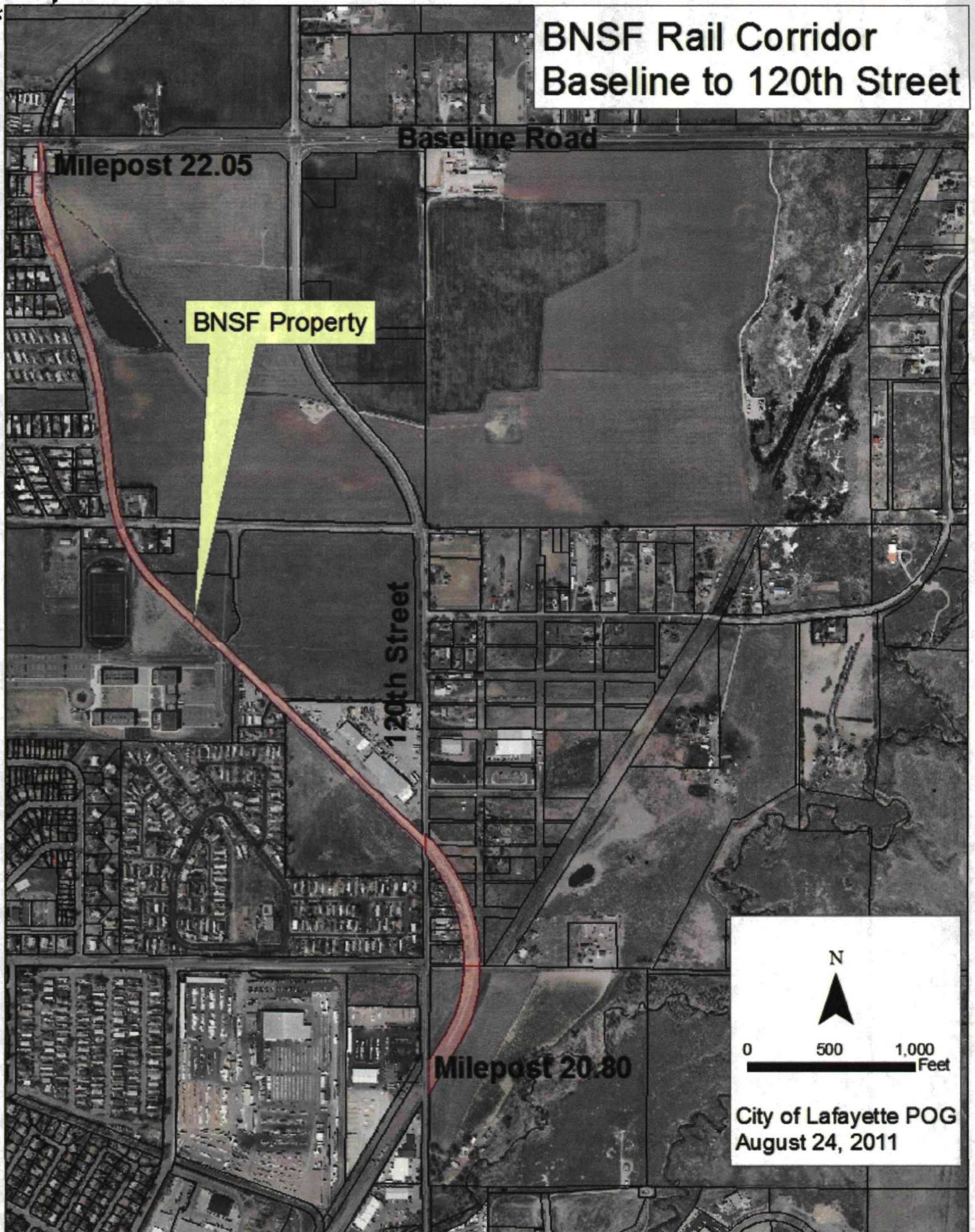
Respectfully submitted,

Frank Phillips
Mayor

Enclosure

Cc: Courtney Biery Estes (w/encls. - via mail)
Susan Odom (w/encls. - via email - Susan.odom@BNSF.com)
John Sims (w/encls. - via email - John.Sims@BNSF.com)
Karl Morell (w/encls. - via mail)

BNSF Rail Corridor Baseline to 120th Street



Milepost 22.05

Baseline Road

BNSF Property

120th Street

Milepost 20.80

N

0 500 1,000 Feet

City of Lafayette POG
August 24, 2011